

PD-0722-19

BRADEN DANIEL PRICE,
Appellant

VS.

THE STATE OF TEXAS,
Appellee

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FILED
COURT OF CRIMINAL APPEALS
IN THE COURT OF
DEANA WILLIAMSON, CLERK

CRIMINAL APPEALS

AUSTIN, TEXAS

MOTION FOR EXTENSION OF TIME
TO FILE STATE'S BRIEF ON THE MERITS

TO THE HONORABLE JUDGES OF THE COURT OF CRIMINAL APPEALS:

NOW COMES Joe Gonzales, Criminal District Attorney of Bexar County and Counsel for the State of Texas, and files this Motion asking that the Court extend the time for filing the State's brief.

STATEMENT OF THE CASE

Appellant was charged by indictment with possession of marijuana 50 to 2000 pounds, a second degree felony offense, under cause no. 2017-CR-10496. The defense filed a pre-trial motion to suppress which was denied by the trial court on February 23, 2018. Appellant subsequently pled guilty and was sentenced on August 22, 2018, but appealed the denial of suppression. The Fourth Court of Appeals reversed and remanded under cause no. 04-18-00628-CR. This Court granted the State's petition for discretionary review on October 9, 2019. The State's brief is due on November 8, 2019. This is the State's first request for an extension.

REASONS FOR THE REQUEST

The undersigned counsel has substantially finished researching the brief on the merits and respectfully requests a 14-day extension. Counsel has also recently been working on the following matters and briefs:

1. *State v. Soto*, Nos. 04-19-00427-CR, 04-19-00428-CR, & 04-19-00429-CR, Possession of Marijuana 4 oz. to 5 pounds, Possession with Intent to Deliver CS PG2 4 grams to 400 grams, and Possession with Intent to Deliver CS PG1 4 grams to 200 grams;
2. *State v. Slack*, No. CC 601338 & *State v. Lampkin*, No. CC 601339, Assault – bodily injury;
3. *Holloway v. State*, 04-18-00481-CR, Manslaughter.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Counsel for the State prays that the Court grant a 14-day extension of time (November 22, 2019) for filing the State's brief pursuant to Texas Rules of Appellate Procedure 10.5(b) and 38.6(d).

Respectfully Submitted,

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/s/ Paul Cho
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CERTIFICATE OF SERVICE

I, Paul Cho, Assistant District Attorney, Bexar County, Texas, certify that a copy of the foregoing motion served to Appellant's counsel, Ronald Guyer and the Office of the State Prosecuting Attorney via efile on the 8th day of November, 2019.

/s/ Paul Cho
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